

DISABILITY RIGHTS OHIO

Ohio Disability Rights Law and Policy Center, Inc.

October 26, 2012

Acting Superintendent Michael Sawyers
Ohio Department of Education
25 S. Front St.
Columbus, Ohio 43215

Re: Investigative Report Concerning Seclusion Rooms in Columbus City Schools

Dear Acting Superintendent Sawyers,

Thank you for your letter in response to Disability Rights Ohio's investigative report of the use of seclusion in Columbus City Schools (CCS) dated October 16, 2012 and received by this office on October 23, 2012.


Your letter describes the Ohio Department of Education's (ODE) proposed policy and rule O.A.C. 3301-35-15 regarding the use of restraint and seclusion in Ohio schools. Please be advised that Disability Rights Ohio did submit comments on the proposed rule and policy on October 22, 2012. Our work in the CCS helped to inform our comments and our position that ODE should prohibit seclusion immediately. Unfortunately, the current version of the proposed rule does not prohibit seclusion.

In addition, we had hoped that the Department would take a serious look at the incidents and information contained in the investigative report that found repeated use of seclusion for non-violent behavior such as refusal to comply with a teacher's request. The report also included a student's description of being subjected to a basket hold which restricts breathing and is potentially lethal. The findings in the report are consistent with recent ODE professional conduct actions related to CCS employees abusing students with disabilities during the course of episodes of seclusion. We are concerned that unless appropriate and systemic action is taken, students with disabilities will continue to be subjected to traumatic, potentially lethal practices.

ODE is responsible for oversight of the education of students with disabilities; therefore ODE has a duty to correct violations of legal and human rights occurring in Ohio schools. We are concerned that ODE's only response to the report is that ODE is working on policies and a rule. If there are other ODE activities occurring to respond to the report, please advise us accordingly.

Thank you for your attention to this matter of vital importance.

Sincerely,


Susan G. Tobin
Chief Legal Counsel